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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/517,149	03/02/2000	Minoru Horii	21778.04000	4549

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Adam H Tachner
Crosby Heafey Roach & May
PO Box 7936
San Francisco, CA 94120-7936

EXAMINER

POON, KING Y

ART UNIT PAPER NUMBER

2624

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/517,149	HORII, MINORU	
	Examiner	Art Unit	
	King Y. Poon	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18,24,30 and 33-38 is/are pending in the application.
- 4a) Of the above claim(s) 1-18,24,30,33 and 34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-18, 24-30, 33, 34 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 9/12/2005.
2. Applicant's election with traverse of the election requirement in the reply filed on 9/12/2005 is acknowledged. The traversal is on the ground(s) that there is no undue burden imposed on the Examiner. This is not found persuasive because: the inventions are patentably distinct (admitted by applicant on response to restriction requirement filed on 9/12/2005) and the inventions are not obvious variants. Accordingly, the best prior art(s) located by the examiner for one invention would require further search for other best prior arts for other inventions. Therefore, there is undue burden imposed on the Examiner if the restriction is not made.

The requirement is still deemed proper and is therefore made FINAL.

3. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 35, 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsuboi et al (US 5,119,182).

Regarding claim 35: Tsuboi teaches a printer (fig. 1), comprising: an image processor (column 11, lines 20-30) configured to apply a series of image processing settings to a first image (C1, Y1, M1, column 11, lines 50-65) to produce a series of second images (e.g., C2, M2, Y2, column 11, lines 50-65) that include images with a progressively higher image processing setting than the first image and images with a progressively lower image processing setting than the first image (column 11, lines 50-65); a print section (column 12, lines 15-20) configured to, print the first image on a printing medium (paper, column 12, lines 39-40), print each second image having progressively higher image processing settings in a first direction (e.g., C2 M2 Y2 is in the lower direction of C1M1Y1, fig. 6) relative to the printed first image, and print each second image having progressively lower image processing settings in a second direction relative to the printed first image (C0M0Y0 are at a higher direction of C1M1Y1, fig. 6); and an input section (column 12, lines 23-25, fig. 4) configured to retrieve a user selection of one of the second images (S61, fig. 11a), wherein: the image processor is further configured to apply a next series of image processing settings to the selected second image to produce a third set of images (S93 fig. 11b, S52, fig. 11a); and the print section is further configured to print the selected second image and the third set of images (S53, fig. 11a).

Regarding claim 38: Tsuboi teaches wherein the image processor and print section are configured to repeatedly prepare and print images until a desired image is produced (fig. 11a, 11b, column 2, lines 35-41).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 36, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuboi as applied to claim 35 above, and further in view of Yang et al (US 5,606,395).

Regarding claim 36: Tsuboi teaches the desired print quality depends on image processing settings of color used.

Tsuboi does not teach wherein the image processing settings comprise at least one of R, G, B, tint, brightness, and sharpness.

Yang, in the same area of image processing settings of obtaining desirable print quality (column 11, lines 1-15), teaches print quality changes related to change of color used (taught by Tsuboi also) is also directly related to the change of RGB and tint (column 11, lines 30-37) and tint could be adjusted by changing either RGB or CMY).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Tsuboi to include: wherein the image processing settings comprise at least one of R, G, B, tint, brightness, and sharpness.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Tsuboi by the teaching of Yang because: it would have allowed Tsuboi's invention to be applied in printing systems that use RGB and tint as image processing settings instead of CMY to increase sale and users; and it would have provide users with different options of obtaining desirable prints.

Regarding claim 37: Tsuboi teaches the desired print quality depends on image processing settings of color used and Tsuboi teaches the second images are printed so as to surround the first image (fig. 6).

Tsuboi does not teach wherein the image processing settings comprise a tint comprising R, G, and B settings.

Yang, in the same area of image processing settings of obtaining desirable print quality (column 11, lines 1-15), teaches print quality changes related to change of color used (taught by Tsuboi also) is also directly related to the change of RGB and tint (column 11, lines 30-37) and tint could be adjusted by changing either RGB or CMY). Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Tsuboi to include the image processing settings comprise a tint comprising R, G, and B settings.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Tsuboi by the teaching of Yang because: it would have allowed Tsuboi's invention to be applied in printing systems that use RGB and tint as image processing settings instead of CMY to increase sale and users; and it would have provide users with different options of obtaining desirable prints.

Response to Arguments

8. Applicant's arguments with respect to claims 35-38 have been considered but are moot in view of the new ground(s) of rejection. Please see detailed office action.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Conclusion


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to King Y. Poon whose telephone number is 571-272-7440. The examiner can normally be reached on Mon-Fri 8:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 29, 2005


KING Y. POON
PRIMARY EXAMINER